

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

Julio Cesar GUTIERREZ

Case No. SA19-MJ-372

Defendant(s)**FILED**

APR - 4 2019

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MA
DEPUTY

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 3, 2019 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*Title 21, U.S.C., Sections 841
(a)(1) and (b)(1)(A)(ii)Possession with Intent to Distribute 5 kilograms or more of a Mixture or
Substance Containing a Detectable Amount of Cocaine.PENALTIES: 10 years to LIFE imprisonment; \$10,000,000 fine,
Minimum mandatory 5 years to life supervised release, \$100 mandatory
special assessment.

This criminal complaint is based on these facts:

See Attachment A

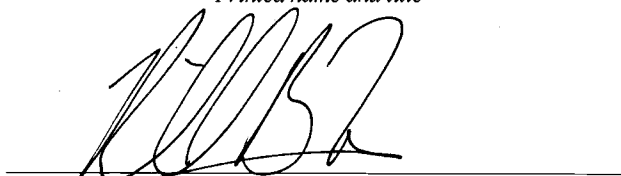
☒ Continued on the attached sheet.

- ☒
- Sworn to before me and signed in my presence.
-
- ☐
- Sworn to telephonically and signed electronically.

Date: April 4, 2019City and state: San Antonio, Texas
Complainant's signature

Gabriel Villanueva, HSI Special Agent

Printed name and title


Judge's signature

Richard B. Farrer, United States Magistrate Judge

Printed name and title

ATTACHMENT "A"

AFFIDAVIT

I, Gabriel Villanueva, being first duly sworn, hereby depose and state as follows:

Your Affiant is a Special Agent employed by the United States Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS), Homeland Security Investigations (HSI), and has been so employed for approximately 16 years. Your Affiant is currently assigned to the Special Agent in Charge, San Antonio, Texas.

Your Affiant's duties include the investigation and enforcement of Title 18, 19, 21, and 31 of the United States Code. In connection with these assigned duties and responsibilities as a Federal Law Enforcement Officer, your affiant has assisted in judicial proceedings and prepared federal criminal complaints and arrest warrants. Your Affiant is familiar with the Memorandum of Understanding between the Drug Enforcement Administration and the United States Customs Service to Implement Title 21 Cross-Designation Policies and Procedures (1994)("1994 DEA MOU"), now applicable to Immigration and Customs Enforcement.

On April 2, 2019, HSI El Paso contacted HSI San Antonio in reference to a possible sale of cocaine to an unknown male later identified as Julio Cesar GUTIERREZ (hereinafter referred to as "GUTIERREZ") in the San Antonio, TX area. GUTIERREZ requested approximately 4 kilograms of cocaine for the price of \$100,000.00 dollars. At the time the location for the sale of the cocaine had not been established by HSI El Paso Agents. GUTIERREZ agreed to the terms of the sale of the cocaine.

On April 3, 2019, HSI El Paso agents arrived in San Antonio to conduct the sale of the cocaine to GUTIERREZ by undercover (UC) HSI Special Agents. At approximately 12:00 p.m., HSI UC Special Agents contacted GUTIERREZ who stated he was ready to purchase the 4 kilograms of cocaine at the agreed price of \$100,000.00 dollars, but requested to have one extra kilogram of cocaine given to him on credit (for a total of 5 kilograms of cocaine). The location for the meet was agreed upon by GUTIERREZ and HSI UC Special Agents. The location was set for a hotel located in San Antonio, TX.

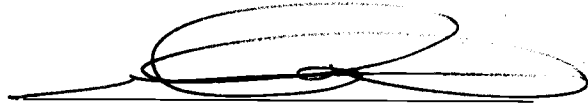
At approximately 2:30pm GUTIERREZ arrived in a white four door Nissan Altima bearing license plate XXXXXXXX. GUTIERREZ entered room 185 where HSI UC Special Agents waited for the transaction to take place. GUTIERREZ was shown a black bag containing the 5 kilograms of cocaine. GUTIERREZ then proceeded to cut into one of the bricks of cocaine to verify that it was cocaine. Once GUTIERREZ was satisfied of the contents of the bag he proceeded to contact a second individual to bring the money for the purchase of the cocaine. GUTIERREZ then exited the room and brought back an orange Nike box containing approximately \$100,000.00 dollars in cash.

Once delivery of the cash was made GUTIERREZ was arrested for said purchase of cocaine.

Based on the foregoing facts, circumstances and training and experience, your Affiant determined that GUTIERREZ had knowledge and conspired to purchase the 5 kilograms of cocaine.

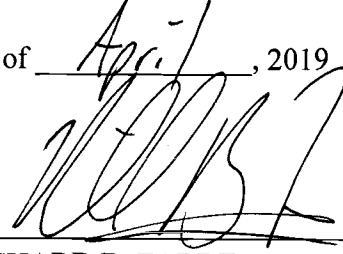
Based on the above, I submit that there is probable cause to believe that on or about April 3, 2019, in the Western District of Texas, GUTIERREZ possessed with intent to distribute a controlled substance involving 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, in violation of Title 21, United States Code Section, 841(b)(1)(A)(ii), all in violation of Title 21, United States Code Section 841(a)(1).

Affiant further sayeth not.



Gabriel Villanueva,
HSI Special Agent

Subscribed and sworn to on this 4th day of April, 2019



RICHARD B. FARRER
United States Magistrate Judge